IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 69326-M of 2005

DATE OF DECISION : 10.11.2006

Jeet Gautam

.... PETITIONER

Versus

Amrit Lal Gautam

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. V.S. Bhardwaj, Advocate,
for the petitioner.

Mr. Mani Ram Verma, Advocate,
for the respondent.

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Petitioner Jeet Gautam, minor daughter of respondent Amrit Lal Gautam, has filed this petition through her mother Smt. Sanjay Latha alias Sanju, under Section 482 of the Code of Criminal Procedure (hereinafter referred to as `the Code') for setting aside the order dated 8.11.2005, passed by Sessions Judge, Bhiwani, whereby the maintenance allowance under Section 125 of the Code, as awarded by Judicial Magistrate Ist Class, Bhiwani, has been reduced from Rs. 1,300/- per month to Rs. 1,000/- per month.

2. The application under Section 125 of the Code filed by the petitioner was allowed by Judicial Magistrate Ist Class, Bhiwani, vide order dated 12.5.2005, and the respondent was directed to pay maintenance to the minor petitioner at the rate of Rs. 1,300/- per month. Aggrieved against the same, both the parties filed separate revision petitions. Vide judgment dated 8.11.2005, the revision petition filed by the minor petitioner for enhancement of maintenance allowance was dismissed and the revision petition filed by the respondent-father was partly allowed by reducing the

maintenance allowance from Rs. 1,300/- per month to Rs. 1,000/- per month. While reducing the maintenance allowance, the revisional court observed that the minor petitioner is studying in 2nd class and does not require any tuition and her mother, who is teacher in a school, is getting salary between Rs. 8,000/- to Rs. 10,000/- per month.

3. After hearing the arguments of learned counsel for the parties and going through the impugned judgment, I am of the opinion that the revisional court was not justified in reducing the amount of maintenance from Rs. 1,300/- to Rs. 1,000/- per month. The scope of interference in revision is very less and the discretion exercised by the trial court should not have been interfered, particularly in view of the facts and circumstances of the case and the fact that the minor petitioner is studying in a school and to meet the expenses of education of a minor child, the maintenance allowance of Rs. 1,300/-, as awarded by the learned trial court, can not be said to be excessive.

4. In view of the above, this petition is allowed and the impugned judgment passed by the revisional court is set aside, while the order passed by the trial court is restored.

November 10, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**